

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BYRON L. EAST,

Petitioner,

v.

LADONNA MICHELE BUCKNER,

Defendant.

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No. 4:22 CV 362 MTS

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court upon review of the complaint filed by plaintiff Byron L. East, an inmate at the South Central Correctional Center in Licking, Missouri. This case will be transferred to the United States District Court for the Western District of Missouri.

Plaintiff brings this case against LaDonna Michele Buckner alleging violation of his civil rights under 42 U.S.C. § 1983.¹ Plaintiff claims defendant is depriving him of proper fitting tennis shoes despite a prison doctor's letter stating that plaintiff requires custom shoes. Plaintiff's claims arise entirely from events occurring during his incarceration at South Central Correctional Center, which is located in Texas County in the Western District of Missouri. *See* 28 U.S.C. § 105(b)(5).

Under 28 U.S.C. § 1391(b), an action of this type may be brought only in: “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section,

¹ Plaintiff filed his case on a form Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody. His allegations, however, allege violations of his constitutional rights under 42 U.S.C. § 1983.

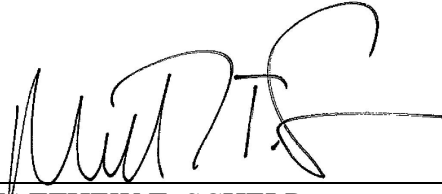
any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action."

Because the events or omissions giving rise to plaintiff's claims occurred in the Western District of Missouri, venue is proper there. Under 28 U.S.C. § 1406(a), "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." Here, the Court concludes that it is in the interest of justice to transfer this case to the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall **TRANSFER** this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1406(a).

Dated this 30th day of March, 2022.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE